

H. Con. Res. 79: Mr. GONZALEZ, Mr. HALL of Texas, Mr. CALVERT, and Mr. SANDLIN.

H. Con. Res. 100: Mr. WU and Mr. GOODLATTE.

H. Con. Res. 148: Mr. GOSS.

H. Con. Res. 159: Mr. RUSH.

H. Con. Res. 186: Mr. WAMP, Mr. BAKER, Mr. COMBEST, Mr. FRANKS of New Jersey, Mr. DICKEY, Mr. COOK, and Mr. EHRLICH.

H. Con. Res. 190: Mr. OXLEY.

H. Con. Res. 199: Mr. PETERSON of Minnesota and Mr. POMBO.

H. Res. 224: Mr. FLETCHER.

H. Res. 238: Mr. FROST, Mr. BRADY of Texas, and Mr. BARCIA.

H. Res. 298: Mr. WAXMAN, Mr. VITTER, Mr. PETERSON of Minnesota, Mr. UNDERWOOD, Mr. BOSWELL, Mr. JOHN, and Ms. HOOLEY of Oregon.

H. Res. 325: Mrs. MALONEY of New York, Mr. GALLEGLY, and Mr. FRANKS of New Jersey.

H. Res. 332: Ms. LOFGREN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 56: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special

programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION AND TUITION COSTS.—The local educational agency that serves the public school in or the grounds on which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation or the reasonable costs of tuition or mandatory fees associated with attending another school, public or private, selected by the student's parent. The local educational agency shall ensure that this subsection is carried out in a constitutional manner.

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

"(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

"(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

"(g) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

"(h) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

"(i) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(j) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or mandatory fees at a private elementary school or secondary school in an amount that is greater than the tuition and mandatory fees paid by students not assisted under this section at such private school.

"(k) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede

or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions."

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

"PART H—ACADEMIC EMERGENCIES

"SEC. 1801. SHORT TITLE.

"This part may be cited as the 'Academic Emergency Act'."

"SEC. 1802. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

"(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

"SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

"(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

"(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

"(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

"(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

"(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

"SEC. 1804. APPLICATION AND STATE SELECTION.

"(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

"(1) ASSURANCES.—Assurances that the State shall—

"(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

"(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

"(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

"(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

"(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

"(b) STATE AWARDS.—

“(1) STATE SELECTION.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

“(2) PRIORITY.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

“(3) AWARD CRITERIA.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

“(4) STATE PLAN.—Each State that applies for funds under this part shall establish a plan—

“(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

“(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

“SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

“(a) SELECTION.—The State shall select academic emergency schools based on —

“(1) the number of eligible students attending an academic emergency school;

“(2) the availability of qualified schools near the academic emergency school; and

“(3) the academic performance of students in the academic emergency school.

“(b) INSUFFICIENT FUNDS.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

“(c) PAYMENTS.—

“(1) IN GENERAL.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than \$3,500 in academic emergency relief funds to the parents of each participating eligible student.

“(2) PERIOD OF AWARDS.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

“(A) when a participating eligible student is no longer a student in the State; or

“(B) at the end of 5 years, whichever occurs first.

“(3) DURATION.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

“SEC. 1806. QUALIFIED SCHOOLS.

“(a) QUALIFICATIONS.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

“(1) provide assurances to the State that it will comply with section 1810;

“(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

“(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

“(b) CONFIDENTIALITY.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

“SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

“(a) USE OF ACADEMIC EMERGENCY RELIEF FUNDS.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

“(b) NOT SCHOOL AID.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

“SEC. 1808. EVALUATION.

“(a) ANNUAL EVALUATION.—

“(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

“(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

“(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

“(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

“(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

“(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

“SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

“(a) INTERIM REPORTS.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

“(b) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

“SEC. 1810. CIVIL RIGHTS.

“(a) IN GENERAL.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

“(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

“(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

“(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

“SEC. 1811. RULES OF CONSTRUCTION.

“(a) IN GENERAL.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

“(b) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

“SEC. 1812. CHILDREN WITH DISABILITIES.

“Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“SEC. 1813. DEFINITIONS.

“As used in this part:

“(1) The terms “local educational agency” and “State educational agency” have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(2) The term “eligible student” means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor’s designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

“(3) The term “Governor” means the chief executive officer of the State.

“(4) The term “parent” includes a legal guardian or other person standing in loco parentis.

“(5) The term “poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

“(6) The term “qualified school” means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

“(7) The term “Secretary” means the Secretary of Education.

“(8) The term “State” means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part \$100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed \$100,000,000 for any fiscal year."

(b) **REPEALS.**—The following programs are repealed:

(1) **INTERNATIONAL EDUCATION EXCHANGE PROGRAM.**—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) **FUND FOR THE IMPROVEMENT OF EDUCATION.**—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) **21ST CENTURY COMMUNITY LEARNING CENTERS.**—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. SCOTT

AMENDMENT NO. 57: Strike title III of the bill.

H.R. 2

OFFERED BY: MR. UDALL OF NEW MEXICO

AMENDMENT NO. 58: Section 1125 of the Act is amended by adding a subsection (i)—

"(i)(1) The Secretary shall grant to the Santa Fe Indian School a permanent use permit for the entire premises and grounds of the Santa Fe Indian School in Santa Fe, New Mexico, for the purposes of allowing and encouraging the school to enter into long term agreements for the benefit of the educational programs of the school. Such grant shall be made to, and controlled by, the Governors of the Pueblos located in New Mexico, who shall act through joint action taken by motion acted upon by a majority of said Governors, in a manner to be determined by the Governors and the school board of the Santa Fe Indian School. Such action shall only be for the benefit of the educational program at

the school. No action shall be taken which uses this property in furtherance of, or support of, gaming activities, or the sale of tobacco products or alcohol, whether for the Pueblos (jointly or severally) or the school.

(2) Upon motion of the Governors of the Pueblos of New Mexico, acted upon by a majority of said Governors acting in consultation with the school board of the Santa Fe Indian School, the Secretary shall take action, in the most expeditious fashion, to clear any questions related to the fee title of said property, as set forth in paragraph (1) of this subsection. Upon action of the Governors of the Pueblos of New Mexico taken in consultation with the school board of the Santa Fe Indian School, the Secretary shall take such actions as may be necessary to transfer the title in such property to the 19 Pueblos tribes of New Mexico, acting for the school, provided that said property shall remain trust property and exempt from all taxation and State administration and shall continue to be used for the education of Indian students."